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bile truck who was contributorily negligent in driving onto the track without looking after he could have seen the approaching train cannot recover under the doctrine of last clear chance, where he was going so slowly that he could have stopped within a few feet, since the operatives of the train were justified in assuming he would stop before attempting to cross immediately in front of the train.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 580.]

Error to Circuit Court, Appomattox County.

Action by H. L. Canody against the Norfolk & Western Railway Company. Judgment for defendant on sustaining demurrer to plaintiff's evidence, and plaintiff brings error. Affirmed.

*S. L. Ferguson*, of Appomattox, for plaintiff in error.

*F. S. Kirkpatrick*, of Lynchburg, and *W. H. Mann*, of Petersburg, for defendant in error.

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F. W. STOCK & SONS *v.* OWEN & BANKER.

Jan. 20, 1921.

[105 S. E. 587.]

**1. Corporations (§ 399 (7)\*)—Seller's Branch Officer Must Be Held to Have Apparent Authority to Accept Orders.**—A branch office of a corporation, conducted in its corporate name, must be held to have apparent authority to accept orders of buyers of its products, who have no knowledge that the branch office is not authorized to so do, and the corporation is bound by such acceptance.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 566, 567.]

**2. Appeal and Error (§ 1011 (1)\*)—Judgment on Conflicting Evidence Not Disturbed.**—Judgment of trial court on conflicting evidence will not be disturbed, having the same weight as a verdict.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 538, 539.]

Error to Circuit Court of City of Norfolk.

Action by Owen & Barker against F. W. Stock & Sons. Judgment for plaintiffs, and defendant brings error. Affirmed.

*Hughes, Little & Seawell*, of Norfolk, for plaintiff in error.

*D. Lawrence Groner*, of Norfolk, for defendant in error.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.